

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:23cv0108 (LMB/JFA)
)	
GOOGLE LLC,)	
)	
Defendant.)	
)	

ORDER


On August 18, 2023, Google filed a motion for a protective order regarding plaintiffs’ Rule 30(b)(6) deposition notice. (Docket no. 311). That motion was noticed for a hearing on August 25, 2023. (Docket no. 313). On August 22, 2023, the United States filed a motion for protective order to prevent deposition of United States’ counsel. (Docket no. 321). That motion was noticed for a hearing on September 1, 2023. (Docket no. 323). The United States has now filed a motion to continue hearing on Google’s motion for a protective order until September 1, 2023. (Docket no. 324). The motion to continue represents that the parties had been negotiating the scope and duration of Google’s and plaintiffs’ Rule 30(b)(6) depositions in tandem and productively and were making substantial progress. The United States believes these two motions are “inextricably linked” and they should be considered at the same time. The motion to continue states that Google has not agreed to continuing the hearing on its motion for a protective order.

The court has reviewed Google’s motion for a protective order and taken an initial review of the United States’ motion for a protective order. While it is unclear that the issues involved in these two motions are inextricably linked, they each involve issues relating to the scope of the

topics in the notices, along with various other issues. It also appears that further discussion between the parties could further narrow the issues, with the clear understanding that Rule 30(b)(6) depositions will be allowed to proceed. However, the topics must describe with reasonable particularity the matters of examination and they must take into account the discovery that has been undertaken to date and issues of proportionality. One approach that the parties should consider is agreeing to provide additional information in response to an interrogatory in place of a topic in a 30(b)(6) deposition notice given that several of the topics appear to involve specific factual questions and that information could be provided without the necessity of a witness appearing at a deposition. Accordingly, it is hereby

ORDERED that the motion to continue is granted and the hearing on Google's motion for a protective order is continued from Friday, August 25, 2023, to Friday September 1, 2023 at 10:00 a.m.

Entered this 22nd day of August, 2023.


_____/s/_____
John F. Anderson
~~United States Magistrate Judge~~
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia